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**OFFICE OF PETITIONS**

In re Application of  
WHEELER et al  
Application No.: 09/923,075  
Filing Date: August 6, 2001  
Attorney Docket No.: 10399-34383

DECISION ON PETITION  
UNDER 37 CFR 1.137(b)

This is a decision on the petition under 37 CFR 1.137(b), filed January 2, 2007, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice of Non-Compliant Amendment mailed December 2, 2005, which set a shortened statutory period for reply of one (1) month. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, by operation of law, the above-identified application became abandoned on January 3, 2006 (January 2, 2006 being a Federal holiday).

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of an amendment in compliance with 37 CFR 1.121; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Notice of Non-Compliant Amendment mailed December 2, 2005 is accepted as having been unintentionally delayed.

This application is being referred to Technology Center AU 2137 for appropriate action, if any, on the reply in due course.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3301.

Daniel Stemmer  
Legal Examiner  
Office of the Deputy Commissioner  
for Patent Examination Policy